REMARKS

Claims 1-22 remain pending in the application.

No new issues are raised, nor is further consideration required, as a result of the amendments made herein. It is respectfully requested that the Amendment be entered.

Impropriety of Finality of Office Action

NO changes to ANY claims were made in the previous amendment, yet the Examiner has indicated that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action." (Office Action at 6) It is respectfully submitted that since the Applicant made NO changes, that the amendment filed June 15, 2005 could not have necessitated new grounds for rejection. Applicant is entitled to an opportunity to amend in response to the art NEWLY cited by the Examiner.

In light of this, it is respectfully requested that the Examiner withdraw the finality of the last Office Action.

Claims 1-22 over Markandey

In the Office Action, claims 1-22 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,526,144 to Markandey et al. ("Markandey"). The Applicant respectfully traverses the rejection.

Claims 1-7 recite a packet including a data payload including a **scrambled** central portion **and** an **unscrambled portion**, with a header portion that is entirely unscrambled. Claims 8, 9, 17 and 18 recite **scrambling** a first **central** portion of a data payload of some data packets without scrambling a header of the same. Claims 10-14, 19 and 20 recite scrambling **only a central** portion of every nth one of data packets. Claims 15, 16, 21 and 22 recite **descrambling only a central** portion of every nth data packet.

Thus, ALL claims 1-21 clearly recite a data packet that has only a **CENTRAL** portion of a **data payload** scrambled.

Markandey discloses in Fig. 2 a 1394 packet header together with a payload. In the corresponding descriptive portion at col. 5, lines 41-54, Markandey explains that the number of Data Encryption Standard (DES) encrypted data blocks carried per isochronous packet is a function of the data rate of the application divided by the 1394 isochronous packet rate of 8 Kbit/sec. Markandey goes on to explain that the number of DES encrypted blocks carried per packet can be adjusted as needed depending on the specific application requirements. (Markandey, col. 5, lines 52-54) However, this is all merely the stuffing of data packets with data blocks wherein **ALL data blocks in a given packet are encrypted**.

Markandey fails to disclose in any figure, or describe in any written portion, the use of BOTH encrypted and unencrypted data blocks within the SAME DATA PACKET, as claimed by claims 1-22.

Moreover, even if Markandey was read to disclose the use of both encrypted and unencrypted data blocks within a same data packet (which it doesn't), it would at best teach the encryption of every 50^{th} (or other number) data block. Claims 1-22 explicitly require scrambling only a **CENTRAL** portion of a given data packet.

Markandey clearly fails to disclose encryption of only a portion of a given data packet, much less encryption of only a CENTRAL portion of a given data packet as variously claimed by claims 1-22.

For these and other reasons, claims 1-22 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Moreover, withdrawal of the improper finality of the Office Action is respectfully requested.

Respectfully submitted,

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